

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 1:12-CR-55
	:	NO. 1:13-CR-260
v.	:	
	:	(Chief Judge Conner)
RODGER T. ATWOOD II	:	

ORDER

AND NOW, this 30th day of October, 2015, following a sentencing proceeding in the above-captioned matter on October 29, 2015, and it appearing that the court misstated the term of imprisonment to be imposed on the defendant during its oral pronouncement of sentence, and, specifically, it appearing that the court imposed a sentence of 200 months imprisonment, consisting of 100 months imprisonment on Count I of the superseding felony information at No. 1:12-CR-55, and 100 months imprisonment on Count I of the superseding felony information at No. 1:13-CR-260, to run consecutively, but the court noting that this sentence was the result of mistaken reliance on a Sentencing Guideline range that was subsequently adjusted by various rulings, and therefore attributable to inadvertent arithmetical error, and that, consistent with the court's explanation of its sentence during its discussion of the 18 U.S.C. § 3553(a) factors, the court intended to impose a sentence of 180 months imprisonment, near the high end of the defendant's Sentencing Guideline range, to consist of 90 months imprisonment on each count, with said terms of imprisonment to run consecutively, and the court noting that, pursuant to Federal Rule of Criminal Procedure 35(a), "the court may correct a sentence that resulted

from arithmetical, technical, or other clear error” within fourteen days after sentencing, FED. R. CRIM. P. 35(a), with sentencing defined as “the oral announcement of sentence,” rather than the date that judgment is entered, see FED. R. CRIM. P. 35(a), and the court observing that this correction neither “reopen[s] issues already decided” nor “address[es] questions related to the district court’s discretion in applying the Sentencing Guidelines,” United States v. Higgs, 504 F.3d 456, 462 (3d Cir. 2007), but merely corrects an arithmetical error made on the record and before judgment is entered, it is hereby ORDERED that:

1. The court’s oral pronouncement of sentence is CORRECTED to state as its judgment that “the defendant, Rodger T. Atwood, II, is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of 180 months, consisting of 90 months on Count I of 1:CR-12-055-01, and 90 months on the offense in 1:CR-13-260-01, to be served consecutively.”
2. All other portions of the oral pronouncement of sentence remain unaltered.
3. The judgment to be entered by the Clerk of Court shall reflect the correction as stated in paragraph 1.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania